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12 Attorneys for United States of America

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) CASE NO.
17 Plaintiff,)
18 v.)
19 VARIOUS FIREARMS,)
20 Defendant.)
21

VERIFIED COMPLAINT FOR FORFEITURE
IN REM

22 The United States of America, by its attorneys, DAVID L. ANDERSON, United States Attorney,
23 and Karen Beausey, Assistant United States Attorney for the Northern District of California, brings this
24 complaint and alleges as follows:

NATURE OF THE ACTION

25 1. This is a judicial forfeiture action, as authorized by Title 18, United States Code, Section
26 924(d)(1) and Title 21, United States Code, Section § 881(a)(6), involving the seizure and forfeiture to
the use and benefit of the United States of America the following property:

27 A: One (1) Mossberg 464 rifle, caliber 30-30, bearing serial number LA072616;
28 B: One (1) Ruger 10/22 rifle, caliber 22, bearing serial number 0009-16738;
C: One (1) Mossberg 500C shotgun, caliber 12, bearing serial number U396256;

1 D: One (1) Springfield Armory, Geneseo IL XDS pistol, caliber unknown, bearing
 2 serial number S3768206;¹
 3 E: One (1) Kimber Eclipse custom II pistol, caliber 10, bearing serial number
 4 KF44753;
 5 F: One (1) Smith & Wesson M&P 9C pistol, caliber 9, bearing serial number
 6 HBA4965;
 7 G: One (1) Smith & Wesson 622 pistol, caliber 22, bearing serial number TCW5780;
 8 H: One (1) Smith & Wesson 627 V-Comp revolver, caliber 357, bearing serial
 9 number DDX0018;
 10 I: One (1) Glock Inc. 17 pistol, caliber 9, bearing serial number KYB100;
 11 J: 252 Rounds assorted caliber ammunition;
 12 K: 30 Rounds assorted 12 caliber ammunition;
 13 L: 102 Rounds assorted 45 caliber ammunition;
 14 M: 95 Rounds assorted 10 caliber ammunition;
 15 N: 15 Rounds assorted 30-60 caliber ammunition;
 16 O: 25 Rounds assorted 762 caliber ammunition;
 17 P: 45 Rounds assorted 357 caliber ammunition;

18 each having been seized by law enforcement from Ray Ramos Jr. on or about March 29, 2019 in San
 19 Jose, California (hereinafter, “Defendant Property”), and each as a firearm or ammunition involved in a
 20 knowing violation of 18 U.S.C. § 922(g)(1), which prohibits possession of a firearm by a person who
 21 has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year,
 22 and each as property constituting, or derived from, any proceeds obtained, directly or indirectly, as a
 23 result of a violation of 21 U.S.C. §§ 841 and/or 846, or used or intended to be used to commit or to
 24 facilitate the commission of such a violation, and thereby forfeitable pursuant to 18 U.S.C. § 924(d)(1)
 25 and 21 U.S.C. § 881(a)(6).

26 **JURISDICTION AND VENUE**
 27

28 2. This Court has jurisdiction under 28 U.S.C. § 1335 and 21 U.S.C. § 881(a)(6).

29 3. Venue is proper in this district pursuant to 28 U.S.C. §§ 1335 and 1339 because the acts
 30 or omissions giving rise to the forfeiture occurred in this district and the Defendant Property is located in
 31 this district.

32 ¹ This firearm was initially identified in ATF’s notices of forfeiture as Springfield Armory,
 33 Geneseo IL unknown pistol caliber unknown bearing serial number S3768206.

4. Intra-district venue is proper in the San Jose Division within the Northern District of California.

PARTIES

5. Plaintiff is the United States of America.

6. The Defendant Property consists of the following described property:

- A: One (1) Mossberg 464 rifle, caliber 30-30, bearing serial number LA072616;
- B: One (1) Ruger 10/22 rifle, caliber 22, bearing serial number 0009-16738;
- C: One (1) Mossberg 500C shotgun, caliber 12, bearing serial number U396256;
- D: One (1) Springfield Armory, Geneseo IL XDS pistol, caliber unknown, bearing serial number S3768206;²
- E: One (1) Kimber Eclipse custom II pistol, caliber 10, bearing serial number KF44753;
- F: One (1) Smith & Wesson M&P 9C pistol, caliber 9, bearing serial number HBA4965;
- G: One (1) Smith & Wesson 622 pistol, caliber 22, bearing serial number TCW5780;
- H: One (1) Smith & Wesson 627 V-Comp revolver, caliber 357, bearing serial number DDX0018;
- I: One (1) Glock Inc. 17 pistol, caliber 9, bearing serial number KYB100;
- J: 252 Rounds assorted caliber ammunition;
- K: 30 Rounds assorted 12 caliber ammunition;
- L: 102 Rounds assorted 45 caliber ammunition;
- M: 95 Rounds assorted 10 caliber ammunition;
- N: 15 Rounds assorted 30-60 caliber ammunition;
- O: 25 Rounds assorted 762 caliber ammunition;
- P: 45 Rounds assorted 357 caliber ammunition;

all having been seized by law enforcement officers from RAY RAMOS, JR. on or about March 29, 2019 in San Jose, California and currently in the custody of the ATF.

FACTS

7. On March 14, 2019, Special Agent Lou Strickland with Homeland Security Investigations (HSI) received a call from Customs and Border Protection Officer (CBPO) Reyes from the San Francisco International Mail Facility, regarding an International mail package from China, identified as #LW124232316CN. The shipper listed on the package was Taozhengming, Room b312,

² This firearm was initially identified in ATF's notices of forfeiture as Springfield Armory, Geneseo IL unknown pistol caliber unknown bearing serial number S3768206.

1 3rd Floor of 34 building, Dahe industrial area, Huanguan south road, Guanlan Street, Shenzhen,
2 Guangdong, 518131 and the contents were declared as a “multi-tool switch.” The package labeled
3 #LW124232316 contained four “auto switch” devices, and was addressed to RAY RAMOS at the 1727
4 Cape Horn Place, San Jose, California 95133, with a phone number of (408) 775-2338.

5 8. “Auto switches” are conversion devices that have been designed and created for the sole
6 purpose of converting semi-automatic Glock pistols into fully automatic machineguns. These devices
7 vary by design and appearance but all, when properly installed on a semi-automatic Glock pistol, will
8 allow the firearm to expel more than one projectile by a single pull of the trigger at approximately 1,200
9 rounds per minute. Installation of these conversion devices is fast and simple, requires no technical
10 expertise, and is completed by removing the polymer slide cover plate on a Glock semi-automatic pistol
11 and replacing it with a conversion device. These devices are referred to by different names, including
12 but not limited to: “switches,” “auto sears,” “convertors,” “conversion switches,” “selector switches,”
13 “conversion devices,” and “Fire Selector Systems for Glock” (FSSGs).

14 9. Auto switches are “machine guns” as defined in Title 26, United States Code, Section
15 5845. Specifically, Section 5845(b) provides:

16 “The term ‘machinegun’ means any weapon which shoots, is designed to shoot, or can be
17 readily restored to shoot, automatically more than one shot, without manual reloading, by
18 a single function of the trigger. The term shall also include the frame or receiver of any
19 such weapon, any part designed and intended solely and exclusively, or combination of
20 parts designed and intended, for use in converting a weapon into a machinegun, and any
21 combination of parts from which a machinegun can be assembled if such parts are in the
22 possession or under the control of a person.”

23 10. ATF considers auto switches to be machineguns. Apart from official military and law
24 enforcement use, auto switches may only be lawfully possessed by licensed Federal Firearms Licensees
25 (FFLs) who have paid the appropriate Special Occupational Tax (SOT) required of those manufacturing,
26 importing, or dealing in National Firearms Act (NFA) weapons.

27 11. On February 18, 2019, during a previous investigation with similar circumstances,
28

1 Amanda Kimmel, a Paralegal for pistol manufacturer Glock Ges.m.b.H. (hereinafter “Glock”), stated
 2 that Glock does not manufacture auto switches. Ms. Kimmel also stated that Glock is aware of the
 3 selector switches offered for sale on sites such as Ebay and they work with Ebay to remove those ads as
 4 soon as the items are offered for sale. Ms. Kimmel also stated that Glock only produces one model
 5 capable of firing in full automatic mode; that model’s selector switch is built as part of the pistol slide,
 6 and not as an additional part. She also stated the weapon is only sold directly to law enforcement
 7 agencies or branches of the U.S. Military and is a highly restricted item.
 8

9 12. A query of international shipments destined for 1727 Cape Horn Place, San Jose,
 10 California revealed two additional packages that had been sent from the same shipper listed on the
 11 package which had been found to contain the auto switch. Both of the previous packages had been
 12 addressed to RAY RAMOS JR. at 1727 Cape Horn Place, San Jose, California. The first had been
 13 delivered on November 5, 2018, and the second had been delivered on December 3, 2018. Both
 14 packages had been declared to contain one “multitool switch” each.
 15

16 13. SA Strickland conducted public records checks for the 1727 Cape Horn Place, San Jose,
 17 California, and learned that both RAY RAMOS JR. and Ray Ramos Sr. 09/01/1941) were listed as
 18 residing at the residence.
 19

20 14. SA Strickland conducted a criminal history records check of both RAY RAMOS JR. and
 21 Ray Ramos Sr., and learned that RAMOS JR. has felony convictions in California for possession of a
 22 controlled substance, manufacture possible dangerous weapon, felon with a firearm and grand theft from
 23 a person, as well as misdemeanor convictions in California for battery, grand theft, domestic violence,
 24 and possession of controlled substance paraphernalia. As a convicted felon, RAMOS JR. is prohibited
 25 from possessing firearms or ammunition.
 26

27 15. A firearms registration check for RAMOS JR. revealed no firearms registered to him.
 28

16. A firearms registration check for Ramos Sr., revealed four rifles and three pistols

1 registered to him at 1727 Cape Horn Place, San Jose, California.

2 17. A records check with the ATF's Federal Firearms License (FFL) listing shows that
3 neither RAMOS Sr. nor RAMOS JR. are licensed importers, licensed manufacturers, licensed dealers or
4 licensed collectors of firearms.

5 18. Based upon the foregoing, HSI in San Jose decided to attempt controlled delivery of the
6 package. In furtherance thereof, HSI applied for and received an anticipatory search warrant authorized
7 by United States Magistrate Judge Susan Van Keulen, CR-19-70442 SVK.

8 19. On March 29, 2019, at approximately 11:59 a.m., United States Postal Service (USPS)
9 Inspector Chung, posing as a mail delivery person, knocked on the front door of 1727 Cape Horn Place,
10 San Jose, CA. RAMOS JR. answered the door. Inspector Chung stated that he had a package for "Ray
11 Ramos" and RAMOS JR. stated that he was RAMOS. Inspector Chung handed RAMOS the package
12 and RAMOS JR. signed a USPS slip acknowledging receipt.

13 20. After Inspector Chung was clear of the area, HSI knocked on the front door and
14 announced their presence with a warrant. While they were knocking, RAMOS JR. answered the door
15 with the package still in his hands. RAMOS JR. was handcuffed at that time and agents entered the
16 residence to perform the search. RAMOS JR.' minor (toddler age) son was found asleep on the living
17 room couch. RAMOS JR.'s wife, Anggelyn Ramos, was initially not present but returned home while
18 agents were executing the search warrant.

19 21. While the warrant was being executed, HSI SA's interviewed RAMOS JR. in an upstairs
20 bedroom. They read RAMOS JR. his *Miranda* warnings, and RAMOS stated he understood his rights
21 and agreed to waive his rights and answer questions, but refused to sign the waiver. They explained to
22 RAMOS JR. that they had a search warrant for his residence, and asked RAMOS JR. if he knew why
23 they were there. RAMOS JR. asked if it "was for the guns." When asked what he meant, RAMOS JR.
24 stated that he knew "their lingo," referring to agents who were overheard stating they found an "SBR" in
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1 the garage. RAMOS JR. stated that anything they found in the house was his, “whatever it is, it’s all
2 mine.”

3 22. The agents explained to RAMOS JR. that they executed the search warrant after a
4 controlled delivery of what was intended to be Glock auto switch devices, which are considered a
5 prohibited item under the National Firearms Act (NFA), 26 U.S.C. § 5845(a), as “any part designed and
6 intended solely and exclusively, or combination of parts designed and intended, for use in converting a
7 weapon into a machinegun.” RAMOS JR. stated that he had ordered four (4) switches from Wish.com
8 but had not received any yet, and that he had one switch on a Glock Airsoft Pistol but that Airsoft pistol
9 had been given to him.

10 23. When asked what agents would find in the residence, RAMOS JR. stated that there was
11 an “AR” under the bed, a few pistols in his room, an “AR” in the garage, and an M&P that belonged to
12 his wife in the safe. They asked RAMOS JR. if they would find anything else in the house, and
13 RAMOS JR. stated no. RAMOS then asked for a lawyer and questioning ceased.

14 24. The residence had an attached garage, which was also searched pursuant to the warrant.
15 In one corner of the garage agents discovered what appeared to be a drug packaging operation. The area
16 contained two tables (one black, one brown) that had been set up at a 90 degree angle to one another so
17 as to create a desk-like area. On both tables and on items on the tables (for example, an ashtray, a
18 computer, a folded playing card, a clear Plexiglas tray, and a mouse pad) agents observed notable
19 amounts of what appeared to be cocaine residue. A pair of children’s slippers were observed on the
20 black table amidst the cocaine residue. The white residue was notable against the brown and black
21 surfaces of the tables and was readily visible to anybody present in the garage.

22 25. Immediately to the right of the brown table agents located a “quick release” safe (a safe
23 with a spring loaded door that can be opened with the press of a few buttons and springs open quickly),
24 inside of which agents located Item E – the Kimber Eclipse custom II pistol. Attached to the side of the
25

1 safe was a small, black zippered pouch containing a number of small, clear zip-top baggies containing
2 what appeared to be cocaine. Behind the safe agents located a loaded AR-15 short-barrel rifle. Also
3 behind the safe agents located a backpack that held a sandwich bag containing approximately 248 grams
4 of cocaine, smaller black and white zip top plastic baggies, a folded playing card with cocaine residue, a
5 feeding spoon for a baby with cocaine residue, a digital scale with cocaine residue, and a loaded (with an
6 additional round in the chamber) Springfield, Model XDS, 9mm Pistol with two additional loaded
7 magazines (Item D).

9 26. To the right of the brown desk, in a black cabinet, agents located a Mossberg 500 shotgun
10 (Item C).

11 27. A short distance from the quick release safe agents located another safe, which was found
12 to contain a money counter, empty magazines, a "jig" (used in the manufacturing process of AR-15s),
13 additional amounts of cocaine, and a partially manufactured component of an AR-15(called a "lower").
14

15 28. To the left of the quick release safe, attached via a magnet to the brown table, agents
16 recovered a butterfly knife.

17 29. Agents also recovered additional evidence of gun and ammunition manufacturing in the
18 garage, including a reloading machine (which is used to manufacture bullets from new or spent casings).

19 30. The area also contained multiple video monitors which were connected to a video
20 surveillance system of the house. The monitors allowed RAMOS JR. to work at the tables in the garage
21 and still be able to observe what was going on in and around the house.

23 31. SA Strickland has been a special agent with the Department of Homeland Security,
24 Homeland Security Investigations, for approximately sixteen years. He successfully completed a twelve
25 week Criminal Investigator Training Program (CITP) located at the Federal Law Enforcement Training
26 Center (FLETC) in Glynco, Georgia, and an additional eight week Immigration and Customs
27 Enforcement Special Agent Training (ICESAT) Academy. As part of the training at FLETC, he
28

1 received extensive instruction in the areas of Immigration law, Customs law, Criminal law, firearms
2 training, rules of evidence, and interview techniques. His law enforcement experience includes
3 conducting physical surveillance, interviewing witnesses, victims and suspects, writing affidavits for and
4 executing search warrants, handling confidential informants, analyzing phone records obtained from
5 subpoenas, search warrants, pen registers, trap and trace devices, and collecting and processing
6 evidence. Based upon his training and experience, SA Strickland knows 248 grams of cocaine is an
7 amount presumptively possessed for distribution. This conclusion is reinforced by the fact that the
8 cocaine was found in the same backpack with a loaded firearm, a digital scale bearing cocaine residue,
9 packaging equipment bearing cocaine residue, and packaging materials.

10
11 32. In his training and experience, SA Strickland also knows that narcotics traffickers
12 frequently possess weapons, including pistols, short-barrel shotguns, assault-type rifles, and other
13 firearms, and these weapons are commonly used by drug dealers as an item of investment, as "currency"
14 to exchange for or receive as payment for drugs, to protect themselves from robbery, and to protect
15 themselves from arrest by law enforcement officers. RAMOS JR.'s possession of the Springfield XDS
16 9mm Pistol and additional loaded magazines (Item D) in the same backpack in which he kept a
17 distribution amount of cocaine was consistent with SA Strickland's experience in this regard, as was the
18 fact that RAMOS JR. kept additional firearms (Item C and Item E) in close proximity to the makeshift
19 desk which (given the large amount of cocaine residue on its surface) he appears to have used to
20 package cocaine.

21
22 33. A few minutes later RAMOS JR. indicated to an ATF agent that he wished to speak to
23 agents again. The agents believe RAMOS JR.'s decision was spurred by their discovery in the garage of
24 the backpack containing cocaine and a loaded 9mm pistol. RAMOS JR. asked, "[i]f I just tell you
25 everything will this go faster?" RAMOS JR. was re-*Mirandized* and, after noting what they had found
26 in the backpack, the agents asked RAMOS JR. what else they would find in the house. RAMOS JR.
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1 stated they would find the following: two (2) "ARs" in the garage; one (1) gun in the combo safe; one
 2 (1) gun in the backpack; two (2) "ARs" under the bed upstairs; a toy Glock in the garage; cocaine in the
 3 backpack; and a scale.

4 34. When asked about the cocaine, RAMOS JR. stated that it is for personal use and that he
 5 used it daily. Based upon the clear evidence of drug trafficking agents had recovered in the garage and
 6 in the backpack (including the scale, smaller baggies, and baby spoon with cocaine residue that
 7 indicated it had been used to scoop cocaine from the larger sandwich bag into smaller baggies), the
 8 agents concluded RAMOS JR. was not being honest. RAMOS JR. stated that he was a felon and that he
 9 knew he was not allowed to have firearms. RAMOS JR. stated that he purchased most things online and
 10 just assumed he would not get in trouble if they sold it to him. He stated he bought the short-barreled
 11 rifle online as well. RAMOS JR. stated that he and his father would build the "ARs" together, and that
 12 it was something they could bond over.

13 35. The search resulted in the discovery and seizure of the Defendant Property³, as follows:

- 14 A: One (1) Mossberg 464 rifle caliber 30-30 bearing serial number LA072616 (found
 in RAMOS JR.'S bedroom);
- 15 B: One (1) Ruger 10/22 rifle caliber 22 bearing serial number 0009-16738 (found in
 RAMOS JR.'S bedroom);
- 16 C: One (1) Mossberg 500C shotgun caliber 12 bearing serial number U396256
 (found in the garage);
- 17 D: One (1) Springfield Armory, Geneseo IL XDS pistol caliber unknown bearing
 serial number S3768206 (found in the garage);⁴
- 18 E: One (1) Kimber Eclipse custom II pistol caliber 10 bearing serial number
 KF44753 (found in the garage);
- 19 F: One (1) Smith & Wesson M&P 9C pistol caliber 9 bearing serial number
 HBA4965 (found in RAMOS JR.'S bedroom);
- 20 G: One (1) Smith & Wesson 622 pistol caliber 22 bearing serial number TCW5780
 (found in RAMOS JR.'S bedroom);

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 24
 25 ³ In addition to the Defendant Property, the agents seized several additional firearms which were
 are not included in this Verified Complaint. Investigation of some of those firearms confirmed they
 were registered to Ramos Sr. and were located within his gun safe at the time of the search. Other
 firearms were forfeited administratively after no claims were filed for their return. Accordingly, the
 government is not seeking forfeiture of those firearms.

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 27
 28 ⁴ This firearm was initially identified in ATF's notices of forfeiture as Springfield Armory,
 Geneseo IL unknown pistol caliber unknown bearing serial number S3768206.

1 H: One (1) Smith & Wesson 627 V-Comp revolver caliber 357 bearing serial number
 2 DDX0018 (found in RAMOS JR.'S bedroom);
 3 I: One (1) Glock Inc. 17 pistol Cal: 9 bearing serial number KYB100 (found in
 4 RAMOS JR.'S bedroom);
 5 J: 252 Rounds assorted caliber ammunition;
 6 K: 30 Rounds assorted 12 caliber ammunition;
 7 L: 102 Rounds assorted 45 caliber ammunition;
 8 M: 95 Rounds assorted 10 caliber ammunition;
 9 N: 15 Rounds assorted 30-60 caliber ammunition;
 10 O: 25 Rounds assorted 762 caliber ammunition;
 11 P: 45 Rounds assorted 357 caliber ammunition;
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13 36. On March 29, 2019, RAMOS JR.'s wife, Anggelyn Ramos, was interviewed by HSI
 14 agents at the residence (1727 Cape Horn Place, San Jose, CA). She stated both she and her husband
 15 (RAMOS JR.) own guns and they were all located in their bedroom upstairs. She stated that her father-
 16 in-law (Ramos Sr.) also owns guns, which were locked in his bedroom safe. She also stated that both
 17 she and her husband know the combination to her father in law's gun safe.
 18

19 37. Ms. Ramos stated that she knew her husband (RAMOS JR.) should not possess any
 20 weapons or weapons-related items because he is a felon.
 21

22 38. Ms. Ramon stated that her husband (RAMOS JR.) always used the garage area to work.
 23 She also stated that RAMOS JR. was unemployed and had last worked for Safeway.
 24

25 39. When the agents admonished Ms. Ramos that they had found unsecured guns in the
 26 garage and in the bedroom she shared with RAMOS JR., which was unsafe especially around children,
 27 Ms. Ramos acknowledged the guns had not been kept safely and began to cry.
 28

29 40. On April 1, 2019, RAMOS JR. was charged by complaint in the Northern District of
 30 California with Possession of Cocaine with Intent to Distribute in violation of 21 U.S.C. § 841(a)(1).
 31 CR-19-70491 MAG.
 32

33 41. On April 17, 2019, RAMOS JR. waived indictment and on April 22, 2019, RAMOS JR.
 34 was charged in a felony information in the Northern District of California with one count of Possession
 35 of Cocaine with Intent to Distribute in violation of 21 U.S.C. § 841(a)(1). CR-19-00187 EJD.
 36

42. ATF subsequently commenced administrative forfeiture proceedings of the Defendant Property. Notice of seizure and intent to forfeit was sent to all known potential claimants on May 3, 2019 (including Ray Ramos, Sr., and Anggelyn Ramos), and was made by publication for thirty consecutive days beginning on May 6, 2019. Ray Ramos, Sr. filed a claim seeking return of the Defendant Property on May 22, 2019.

CLAIM FOR RELIEF

43. The United States incorporates by reference the allegations in paragraphs 1 through 41 as though fully set forth herein.

44. Title 18, United States Code, Section 922(g)(1) makes it “unlawful for any person ... who has been convicted in any court of ... a crime punishable by imprisonment for a term exceeding one year...to...possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.”

45. Title 18, United States Code, Section 924(d)(1) specifies that any firearm and ammunition involved or used in any knowing violation of 18 U.S.C. § 922(g)(1) shall be subject to seizure and forfeiture.

46. Title 21, United States Code, Section 841(a) prohibits the manufacture, distribution, or dispensing, and possession with the intent to distribute a controlled substance.

47. Title 21, United States Code, Section 881(a)(6), provides, in part, for the forfeiture of all moneys, securities or other things of value furnished or intended to be furnished to a person in exchange for a controlled substance, all proceeds traceable to such an exchange, and all moneys and securities used or intended to be used to facilitate any violation of Title 21, United States Code, Chapter 13, Subchapter I, including violations of Title 21, United States Code, Sections 841(a) and 846.

48. In light of the foregoing, and considering the totality of the circumstances, there is probable cause to believe that the Defendant Property represents proceeds traceable to money, securities or other things of value furnished to a person in exchange for a controlled substance, and/or was used or

1 intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of controlled
2 substances or proceeds traceable to controlled substances, in violation of Title 21, United States Code,
3 Sections 841(a) and 846, and thus subject to forfeiture under Title 21, United States Code, Sections
4 881(a)(6) and (a)(11).

5 49. In light of the foregoing, and considering the totality of the circumstances, there is also
6 probable cause to believe that the Defendant Property was involved in a knowing violation of Title 18,
7 United States Code, Section 922(g)(1), and thus subject to forfeiture under Title 18, United States Code,
8 Section § 924(d)(1).

10 WHEREFORE, plaintiff United States of America requests that due process issue to enforce the
11 forfeiture of the Defendant Property; that notice be given to all interested parties to appear and show
12 cause why forfeiture should not be decreed; and that judgment of forfeiture be entered; that the Court
13 enter judgment forfeiting the Defendant Property; and that the United States be awarded such other
14 relief as may be proper and just.

16
17 DATED: 8/20/19
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Respectfully submitted,

DAVID L. ANDERSON
United States Attorney


KAREN BEAUSEY
Assistant United States Attorney

VERIFICATION

I, Special Agent Lou Strickland, state as follows:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations. I am a case agent assigned to this case. As such, I am familiar with the facts and the investigation leading to the filing of this Complaint for Forfeiture.

2. I have read the Complaint and believe the allegations contained therein to be true.

* * * *

I declare under penalty of perjury that the foregoing is true and correct. Executed this 26 day
of August, 2019, in SAN JOSE, California.

SA Lou Strickland
Homeland Security Investigations

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
AUSA KAREN BEAUSEY
450 GOLDEN GATE AVE., 9TH FLOOR
SAN FRANCISCO, CA 94102

DEFENDANTS

VARIOUS FIREARMS

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

PTF	DEF	PTF	DEF
<input type="checkbox"/> 1 Citizen of This State	<input checked="" type="checkbox"/> 1 Incorporated or Principal Place of Business In This State	<input checked="" type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2 Citizen of Another State	<input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
<input type="checkbox"/> 3 Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6	<input checked="" type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	PERSONAL INJURY	X 625 Drug Related Seizure of Property 21 USC § 881	375 False Claims Act
120 Marine	310 Airplane	365 Personal Injury – Product Liability	422 Appeal 28 USC § 158	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability	367 Health Care/ Pharmaceutical Personal Injury Product Liability	423 Withdrawal 28 USC § 157	400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	368 Asbestos Personal Injury Product Liability		410 Antitrust
150 Recovery of Overpayment Of Veteran's Benefits	330 Federal Employers' Liability	PERSONAL PROPERTY	LABOR	430 Banks and Banking
151 Medicare Act	340 Marine	370 Other Fraud	710 Fair Labor Standards Act	450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	371 Truth in Lending	720 Labor/Management Relations	460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	380 Other Personal Property Damage	740 Railway Labor Act	470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits	355 Motor Vehicle Product Liability	385 Property Damage Product Liability	751 Family and Medical Leave Act	480 Consumer Credit
190 Other Contract	360 Other Personal Injury		790 Other Labor Litigation	485 Telephone Consumer Protection Act
195 Contract Product Liability	362 Personal Injury -Medical Malpractice		791 Employee Retirement Income Security Act	490 Cable/Sat TV
196 Franchise			IMMIGRATION	830 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	462 Naturalization Application	890 Other Statutory Actions
210 Land Condemnation	440 Other Civil Rights	HABEAS CORPUS	465 Other Immigration Actions	891 Agricultural Acts
220 Foreclosure	441 Voting	463 Alien Detainee		893 Environmental Matters
230 Rent Lease & Ejectment	442 Employment	510 Motions to Vacate Sentence		895 Freedom of Information Act
240 Torts to Land	443 Housing/ Accommodations	530 General		896 Arbitration
245 Tort Product Liability	445 Amer. w/Disabilities– Employment	535 Death Penalty		899 Administrative Procedure Act/Review or Appeal of Agency Decision
290 All Other Real Property	446 Amer. w/Disabilities–Other	OTHER		950 Constitutionality of State Statutes
	448 Education	540 Mandamus & Other		
		550 Civil Rights		
		555 Prison Condition		
		560 Civil Detainee– Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation–Transfer	<input type="checkbox"/> 8 Multidistrict Litigation–Direct File
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VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Title 18, United States Code, Section 924(d)(1) and Title 21, United States Code, Section 881(a)(6)

Brief description of cause:

Drug Related Forfeiture

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, Fed. R. Civ. P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only)

X SAN FRANCISCO/OAKLAND

SAN JOSE

EUREKA-MCKINLEYVILLE

DATE 08/20/2019

SIGNATURE OF ATTORNEY OF RECORD

